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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:  
W. Jerry Easterling

3mas

SERIAL NO. 10/083,625

EXAMINER: Brian Yong S. Kwon

FILED: 02/26/2002

GROUP UNIT: 1614

TITLE: VULVODYNIA

COMMISSIONER OF PATENTS  
AND TRADEMARKS  
WASHINGTON, D.C. 20231

Dear Examiner Kwon,

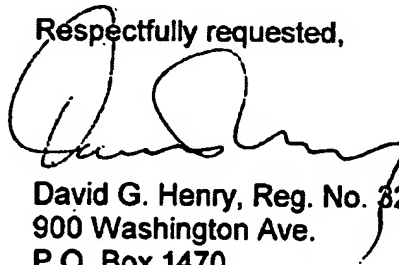
In response to the Office Action dated 02/23/2005, please consider the following:

Remarks begin on Page 2 of this paper.

form, nor did it suggest the need to do so, as a composition and method for the treatment of Vulvodynia.

Applicant respectfully submits, that in view of the above, claims 4-7 are in condition for allowance. Reconsideration and withdrawal of the rejections under section 103 are hereby requested, and allowance of Claims 4-7 at an early date is solicited. If impediments to allowance of the claims remain and a telephone conference between the undersigned and the Examiner would help remove such impediments in the opinion of the Examiner, a telephone conference is respectfully requested.

Respectfully requested,



David G. Henry, Reg. No. 32,735  
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**CERTIFICATE OF U. S. FIRST CLASS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450; Alexandria, VA 20231-1450, on this the 23th day August, 2005.



David G. Henry

## REMARKS

In response to the Office Action dated 02/23/2005, please consider the following remarks made in a good faith attempt to move prosecution of this application forward to a proper allowance of the claims.

Please note that any and all fees associated with this response, including any applicable extension fees under 37 C.F.R. 1.136, may be charged to the deposit account of the undersigned, **Account No. 50-0894**.

**Applicant hereby requests such extensions under 37 C.F.R. 1.136 as may be necessary to render this response timely.**

### **Claim Rejections**

Claims 4-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mak et al. (U.S. 2002/0198136 A1), and further in view of Schor et al. (U.S. 4369172).

The prior art references (the Mak and Schor patents) do not describe and do not enable the claimed invention with sufficient clarity and detail to establish that the subject matter already existed in the prior art and that its existence was recognized by persons of ordinary skill in the field of the invention. Therefore, applicant urges the Examiner to reconsider the position that the breakthrough of the present invention – a specific dosage of the medicament at issue, administered once a day – is unobvious considering the Mak patent cited, which teaches “continuous delivery.” Even if “continuous delivery” means “delivery of said compound in longer period of time by controlled or sustained delivery system or device,” as stated by the Examiner, it is nonetheless an added burden and expense upon the many Vulvodynia sufferers. In addition, it must be realized that the more sustained the administration of any